IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 221 OF 2003

PETITIONER

A.G. Qureshi,
S/o. Late Ghulam Ahmed,
Aged about 67 years,
Advocate,
R/o. Near Badi Maszid,
Rajnandgaon,
Dist. Rajnandgaon (C.G.)

P. R. No. 202/03
Presented by Shri Aftab Khan
dated 13.2.03

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through Secretary,
Law Department,
D.K.S. Bhawan,
Raipur (C.G.)

2. Collector,
Dist Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

WEB COPY.

(48)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2211/ सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	28.1.2005 Shri Manindra Shrivastava, Senior Advocate with Shri Amit Verma, Advocate, for the petitioner. Shri Pramod Kumar Verma, Additional Advocate General for the State/respondents. Heard both the counsel. The petitioner has preferred this writ petition under Article 226/ 227 of the Constitution of India, questioning the legality, propriety and correctness of the order dated 4.7.2003 (Annexure P-3) passed by the Deputy Secretary, Department of Law & Legislative Affairs, Raipur. Brief facts leading to filing of this petition are that the petitioner is practicing as Notary at Rajnandgaon. As his tenure of the certificate to practice as notary was expiring, therefore, the petitioner moved an application before the respondent/State for renewal of the said certificate and vide order dated 21.7.2000 his certificate was renewed for a period of three years as per the old law and provisions of sub-Section (2) of Section 5 of the Notaries Act, 1952. Whereas, the said provision stood amended by the Act 36 of 1999, whereby the period of three years was amended to five years w.e.f. 17.12.1999. I have perused sub-Section (2) of Section 5 of the Notaries Act, 1952 which reads thus: -	

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(49)

XI-HC—78

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"The government appointing the notary, may, on receipt of an application and the prescribed fee, renew the certificate of practice of any notary for a period of five years at a time."

Therefore, in view of the above provisions the petitioner's certificate to practice as Notary ought to have been renewed for a period of five years.

In the circumstances, the petitioner's petition deserves to be allowed. Accordingly, the petition is allowed and the respondents are directed to renew the petitioner's certificate for practicing as Notary for a period of five years instead of three years with effect from the original date from which he was entitled for renewal of the certificate.

In view of this order, M.(W.)P.No.1998/2003 and I.A. No.9440/2003 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

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